RECENT DECISIONS AT QUEBEC.

Prohibition to alienate.—Even under the law before the Code, a prohibition to alienate imposed under penalty of a forfeiture of the property given, cannot be deemed a *nudum præscriptum*, and effect must be given to it according to the will of the testator.—*Bourget* v. *Blanchard et al.*, 7 Q L. R. 322.

Railway.—Railways subsidized by the Province, under the Quebec Railway Act, 1869, are liable to seizure and sale by ordinary process of law.—*Wason Mfg. Co.* v. *Levis & Kennebec Railway Co.*, 7 Q.L.R. 330.

Local Legislature, Powers of—La clause du statut provincial, 42-43 Vict. ch. 4, ordonnant la fermeture le dimanche de la maison dans laquelle il se vend des liqueurs spiritueuses, est une mesure disciplinaire et de police, et n'est pas *ultra vires* de la législature provinciale. *Poulin* v. *La Corporation de Québec*, 7 Q. L. R. 337.

RECENT ONTARIO DECISIONS.

Indecent Assault—Evidence.—Evidence of subsequent conduct of a prisoner on trial for indecent assault was held admissible, as showing the character of the assault, and as, in fact, part of the same offence with which the accused stood charged.—*Regina* v. *Chute*, Queen's Bench Div., March 9th, 1882.

Principal and Surety.—The contract of suretyship is avoided by a representation which is false in fact, and by which the surety has been induced to become surety, though he who made it believed in its truth.—*Gananoque* v. *Stimden*, Q. B. Div. March 9, 1882.

Negligence, Contributory—Evidence.—In an action against a railway company for negligence whereby the plaintiff's lumber caught fire from one of the defendant's locomotives, and a large quantity thereof was burnt, the jury found that the fire which caused the damage came from the defendant's locomotive, from imperfection or structural defect in the smoke-stack, by reason of the cone being too close to the netting, and the bonnet rim not fitting to the bed so completely as it should have done. They further found that the plaintiff was not guilty of contributory negligence by reason of his piling his lumber on the defendants' ground, with their consent, within a short distance of the track, and not having sufficient means at hand for extinguishing fires should they occur. *Held*, that the evidence set out in the case, fully supported the findings of the jury; that as to finding that the cone was too close to the netting, it could not be supported by the evidence if it meant that it in consequence acted prejudicially to the netting, but that the finding meant that the cone was too high above the bonnet rim, and so too close to the netting, and in consequence the sparks deflected from it instead of being sent above the bonnet bed or below it, and thus escaped from the stack; and also that although the finding that the bonnet rim did not fit so completely as it should, was in a sense indefinite in not stating thereby sparks could or did escape, this was covered by the other findings.—The question as to the bonnet rim fitting the bed was not put to the jury until after they had rendered their verdict and answered the other questions, and after the judge had been moved for judgment upon those answers, but it was done while all the parties and their counsel were present, and before the jury had left the court room: *Held*, that the question was properly put to the jury.—*McLaren* v. *Canada Central Ry. Co.*, Com. Pleas Div., March 10, 1882.

GENERAL NOTES.

Chief Justice Folger, in leaving the bench of the New York Court of Appeals, says: "The forty volumes of New York Reports, they do indeed testify (I may say it now) to an unremitting judicial labor that has seldom been outstripped; and the sad memorials that appear in four of them tell, too, how often vigor of body yielded under strain of mind. The many opinions of all the seven are there, as finished they left their hands. But as no one may know, by looking on a work of art, the manifold deft touches that brought it to completeness, so no one can tell the thought, the care, the toilsome passage through perplexities, the laborious search for precedents, the doubt, the deliberation, the conference with fellows, the nice poising of reasons, that lead up to the laconic, yet weighty conclusions, 'judgment should be affirmed,' or 'judgment should be reversed.' But the dearest of my recollections of the Court of Appeals will be of the harmony of intercourse, the uniform courtesy, the mutual confidence, the unvarying respect for one another, the cordial appreciation, the brotherly love, that held us in happy, personal and official relations. When I reflect on all these things, I wonder almost to sobbing, that I could have been led to give up the place of formal head of such a court, the nominal chief of such a body of judges."